



Patent
Attorney's Docket No. 021565-060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Peter Waterhouse et al.

Application No.: 09/287,632

Filed: April 7, 1999

For: METHODS AND MEANS FOR
OBTAINING MODIFIED
PHENOTYPES

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) Group Art Unit: 1635

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) Examiner: ZARA JANE

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) Confirmation No.: 6526

Declaration of Dr. Elizabeth Salisbury Dennis under 37 C.F.R. section 1.132

I, Elizabeth Salisbury Dennis, hereby declare that:

1. I am a citizen of Australia. I received a Ph. D. degree in 1968 from the University of Sydney, Australia. I am an author or co-author of approximately 200 peer-reviewed research papers in the field of plant molecular biology. A copy of my curriculum vitae is attached as Exhibit I.
2. My present position is Chief Research Scientist/CSIRO Fellow in the Division of Plant Industry of the Commonwealth Scientific and Industrial Research Organisation ("CSIRO"). My present work at CSIRO includes management and supervision of research projects in plant molecular biology, including research projects on gene silencing or that use gene silencing techniques.
3. I am very experienced in the field of molecular biology, including the field of post-transcriptional gene silencing and have authored and co-authored scientific publications in this field as listed in my curriculum vitae. I, together with others working with me, have incorporated introns in genetic constructs which were expressed in plant cells, and my research group was one of the first to do so. I am personally experienced with and familiar with the use of introns.
4. I have read US Patent Application No. 09/287,632 (the "Application") including the presently pending claims and the Office Action dated 8 February 2007 issued by the United States Patent and Trademark Office in connection with the Application.
5. I note that in the Office Action the Examiner alleged that "The claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention."
6. It is my understanding that the Examiner believes that the specification, claims

Consolidated
10-23-07
JZ



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Declaration of Dr. Marc De Block under 37 C.F.R. section 1.132

I, Marc De Block, hereby declare that:

1. I am a citizen and resident of Belgium. I received a Ph. D. degree in 1981 from the University of Ghent, Belgium.
2. Since 1984, I have been employed in Ghent, Belgium by PLANT GENETIC SYSTEMS N.V. or its successor firms AVENTIS CROPSOURCE N.V. and BAYER BIOSOURCE NV. My work has involved the supervision of projects studying plant growth and development as well as supervision of projects studying tissue specific gene-silencing.
3. I am familiar with the field of the plant molecular biology, particularly the fields of cell cycle research, plant development, apoptosis and stress resistance and I have authored and co-authored several scientific publications in these fields (a list of publications is submitted as ANNEX 1). I am also familiar with the field of post-transcriptional gene silencing and have applied such technology to achieve various traits as described in several scientific publications, e.g. those listed in ANNEX 1 as items 24 and 25.
4. I have read US Patent Application No. 09/287,632 (the "Application") including the presently pending claims.
5. I have been informed that Bayer BioScience N.V. has obtained a license to the inventions as described e.g. in the Application.
6. I have further been informed that in the Office Action dated 8 February 2007 issued by the United States Patent and Trademark Office in connection with the Application, the Examiner alleged that "The claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention."

*Considered
10-23-02
JZ*